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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/825,585 04/01/97 YOSHIDA

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005514 TM02/0226  
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NEW YORK NY 10112

EXAMINER

ENG. G

ART UNIT

PAPER NUMBER

2643

DATE MAILED:

02/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/825,585

Applicant(s)

Yoshida

Examiner

George Eng

Group Art Unit

2643



☒ Responsive to communication(s) filed on Dec 8, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

- ☒ Claim(s) 1-24 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-24 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed 12/8/2000 (paper no. 32).

### ***Claim Rejections - 35 U.S.C. § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-4, 6-9, 11-13, 17-20 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka (US PAT.5,517,557).

Regarding claim 1, Tanaka discloses a communication apparatus for executing a plurality kinds of communication protocols (i.e., facsimile protocol or communication protocol for setting up voice communication) comprising a detecting circuit (19) to detect ID information for identifying a communication apparatus at a calling station before a start of communication with the communication apparatus at the calling station (col. 6 lines 2-5), a memory (4a) for storing various operations including information of a communication system of the communication apparatus at the calling

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station (col. 5 lines 12-14), and a control circuit for conducting communication based on a communication protocol corresponding to the information stored in said memory according to whether or not the ID information detected by said detector circuit is stored in said memory when communication is to be conducted in response to a calling signal (col. 6 lines 17-29).

Regarding claim 2, Tanaka teaches to register the ID information of the communication apparatus at the calling station and the information of the communication system in said memory in accordance with the communication protocol (col. 6 lines 19-20).

Regarding claim 3, Tanaka discloses that the ID information for identifying the communication apparatus at the calling station is telephone number information (col. 6 lines 23-24) such that the information of the communication system of the communication apparatus at the calling station is stored in said memory in associated with the telephone number information sent between the calling signal (col. 6 lines 24-29).

Regarding claim 4, Tanaka discloses to change with a type of modem used by the communication apparatus (col. 6 lines 26-29).

Regarding claim 6, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 7, the limitations of the claim are rejected as the same reasons set forth in claim 2.

Regarding claim 8, the limitations of the claim are rejected as the same reasons set forth in claim 3.

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Regarding claim 9, the limitations of the claim are rejected as the same reasons set forth in claim 4.

Regarding claim 11, Tanaka discloses a communication apparatus for executing a plurality kinds of communication protocols (i.e., facsimile protocol or communication protocol for setting up voice communication) comprising a receiver circuit (19) to receive ID information for identifying a communication apparatus at a calling station before a start of communication with the communication apparatus at the calling station (col. 6 lines 2-5), a control circuit for conducting communication based on a communication protocol corresponding to the ID information according to whether or not the ID information is received when communication is to be conducted in response to a calling signal (col. 6 lines 17-29).

Regarding claim 12, Tanaka discloses the receiver circuit receiving the ID information between receiving successive calling signals (col. 6 lines 1-4).

Regarding claim 13, Tanaka discloses the communication apparatus further comprising a memory (4a) for storing various operations including information of a communication system of the communication apparatus at the calling station (col. 5 lines 12-14), wherein said control circuit selects at least one communication protocol based on the ID information received by said receiver circuit and the registered ID information stored in the memory (col. 6 lines 24-29).

Regarding claim 17, Tanaka discloses that the ID information received by the receiver circuit is a telephone number of the communication apparatus at the calling station (col. 6 lines 23-24).

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Regarding claim 18, the limitations of the claim are rejected as the same reasons set forth in claim 11.

Regarding claim 19, the limitations of the claim are rejected as the same reasons set forth in claim 12.

Regarding claim 20, the limitations of the claim are rejected as the same reasons set forth in claim 13.

Regarding claim 24, the limitations of the claim are rejected as the same reasons set forth in claim 17.

***Claim Rejections - 35 U.S.C. § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (US PAT.5,517,557).

Regarding claim 5, the particular type of protocols merely a matter of design choice and an obvious modification to the apparatus of Tanaka since it would be advantageous to have the apparatus operating in accordance with the standards set by CCITT.

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Regarding claim 10, the limitations of the claim are rejected as the same reasons set forth in claim 5.

6. Claims 14-16 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (US PAT. 5,517,557) in view of Williams (US PAT. 5,450,483).

Regarding claims 14-16, Tanaka differs from the claim invention in not specifically teaching to automatically update the communication protocols stored in the memory when a predetermined time has been counted or a predetermined number of communications has been counted. However, Williams teaches a method for controlling calls in a telecommunication network comprising the steps of automatically updating parameter in a database when a predetermined number of communications has been counted (col. 1 lines 25-47) or a predetermined time has been counted (col. 1 lines 48-63). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Tanaka in updating the communication protocols stored in the memory when the predetermined time has been counted or the predetermined number of communications has been counted, as per teaching of Williams, because it controls calls whose call identities belong to a common set of call identities.

Regarding claims 21-23, the limitations of the claims are rejected as the same reasons set forth in claims 14-16.

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*Response to Arguments*

7. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takehiro et al. (US PAT. 5,274,467) discloses a facsimile apparatus capable of desired processing dependent on terminal number of calling party including a memory for storing a terminal number of the facsimile apparatus of the other party associated with a prescribed processing condition, a terminal number identifying unit for identifying the terminal number of the other party when the facsimile apparatus receives a reception signal, and means for comparing a terminal number identified by the terminal number identifying unit with the terminal number stored in the memory in order to enable processing information of received facsimile from a specific calling party in a desired state (figure 1 and abstract).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the



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mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. **Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-6306, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

(703) 308-6296 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (703) 308-9555. The examiner can normally be reached on Tuesday to Friday from 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

GEORGE ENG

February 21, 2001

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600